

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

DEC 19 2011

Stephan Harris, Clerk
Cheyenne

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

TEYA STASSINOS,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

Case No. 11-CV-313-F

**ORDER DENYING PETITIONER'S MOTION FOR TRANSCRIPTS AND
GRANTING PETITIONER'S MOTION FOR LEAVE TO REPLY**

This matter is before the Court on Petitioner's Motion for Leave to Reply and Petitioner's Motion for Transcripts. The Court has reviewed the motions and is fully informed in the premises.

Through these motions Petitioner seeks additional time to reply to the Government's response to her motion for sentence reduction and she also seeks a copy of the Plea and Sentencing transcripts in this case.

An indigent criminal defendant has an absolute right to a transcript on direct appeal. *Ruark v. Gunter*, 958 F.2d 318, 319 (10th Cir. 1992). However, there is no constitutional right to transcripts to assist in the preparation of a motion for post-conviction relief. *See*

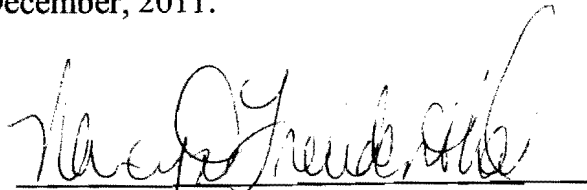
United States v. MacCollom, 426 U.S. 317, 326 (1976); *Sistrunk v. United States*, 992 F.2d 258, 259 (10th Cir. 1993). Instead, pursuant to 28 U.S.C. § 753(f), an indigent defendant is entitled to a copy of transcripts for use in a proceeding under 28 U.S.C. § 2255 only if she demonstrates that her suit is not frivolous and that the transcript is needed to decide the issue presented by the suit. 28 U.S.C. § 753(f); *see also Sistrunk*, 992 F.2d at 259. Petitioner has failed to do so. Accordingly, Petitioner's motion for transcripts is denied.

Petitioner may contact the court reporter directly to determine the cost of purchasing transcripts if she desires to do so. The court reporter may be contacted by writing to the following address: Jamie Hendrich, United States District Court, 111 South Wolcott, Casper, Wyoming 82601.

IT IS ORDERED that Petitioner's Motion for Transcripts is DENIED.

IT IS ORDERED that Petitioner's Motion for Leave to Reply is GRANTED. Petitioner may have until January 26, 2012 to reply to the Government's response to her motion for sentence reduction.

Dated this 19 day of December, 2011.



Nancy D. Freudenthal
Chief United States District Judge